

ANDOVER BOARD OF HEALTH

Minutes

August 10, 2009, 6 P.M.

1st Floor Conference Room

36 Bartlet Street

The Board of Health meeting was called to order at 6:03 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Margaret N. Kruse, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **Regular Meeting of March 9, 2009**
- **Executive Session of March 9, 2009**
- **Regular Meeting of April 13, 2009**
 - On Page 2, under • **Private Article to extend sewer to Chester St./Mitton Ci./Oak St./Tewksbury Street**, remove the eleventh sentence “ Ms. Martin suggested an endorsement subject to Fin Com funding.”
- **Regular Meeting of May 11, 2009**
- **Regular Meeting of June 8, 2009**
- **Regular Meeting of July 13, 2009**
 - On page 3, under **III Discussion** • **Amend the 2009 Fee Schedule for a \$25.00 Fee for Burial Permits, Effective August 1, 2009**, in the first sentence, remove “...and Town Counsel has given permission for the fee to be reinstated”, and replace with “... and Town Counsel advises that the fee can be reinstated.”
 - On page 3, under **III Discussion** • **Amend the 2009 Fee Schedule for a \$25.00 Fee for Burial Permits, Effective August 1, 2009**, change the Motion from “*Motion by Ms. Martin, seconded by Ms. Kruse to approve the 2009 fee schedule with the increase in Burial Permit fee from \$20.00 to \$25.00.*” to “*Motion by Ms. Martin, seconded by Ms. Kruse to reinstate the burial permit fee and to approve the 2009 fee schedule with the increase in Burial Permit fee from \$20.00 to \$25.00*”.
 - On page 3, **III Discussion** • **Budget Impacts FY2010** – in the third sentence, after “Recession as well as recovery in Government lags behind”, add “the general economy”.

Motion by Ms. Martin, seconded by Dr. Miller to approve the Minutes of the Regular Meeting of March 9, Executive Session of March 9, and the Minutes of the Regular Meetings of May 11 and June 8 as submitted in the package, as well as the Minutes of the Regular Meetings of April 13 and July 13, with corrections as noted above. Unanimous Approval.

II. Appointments & Hearings

- **6:00 p.m. – Attorney Michael Abodeely for 27 Kirkland Drive – Show Cause Hearing for Condemnation** – Mr. Carbone explained that Attorney Abodeely requested another continuance to the Condemnation Hearing of September 14, 2009 on behalf of the Santangelos at 27 Kirkland Dr. Mr. Carbone noted that the stairs had been replaced; however, the yard remains filled with recycling, trash, and food items. The Santangelos have had ample time to clean up and throw out the trash. After discussion, the Board decided to continue the Hearing until the regularly scheduled Board of Health Meeting on September 14, 2009, at which time the Board expects all waste and recycling material to be removed from the property. If the Santangelos do not comply by that time, the Board will consider sanctions against them.

Motion by Ms. Martin, seconded by Dr. Miller to allow the continuance until the regularly scheduled meeting of September 14, 2009, with the expectation that all solid waste and recycling material will be removed from the property by that date. Unanimous approval.

- **Mainline Creamery Variance Request Dropped** – The Board expressed disappointment that Mr. Clancy did not attempt to seek a Variance because they wanted to give him an opportunity to present his case.

III. Discussion

- **Set Meeting Dates for October, November, December 2009, and January, & February, 2010** – The Board decided on these dates for the next Board of Health Meetings: October 5, 2009, November 16, 2009, December 14, 2009, January 11, 2010, and February 8, 2010.

IV. Old Business

- **Salt Shed Update** – Mr. Carbone asked to table the Salt Shed update until the next scheduled Board of Health Meeting on Monday, September 14, 2009.
- **Recycling Regulation for Condominiums** - Mr. Carbone cited the Town of Tewksbury's Regulations that states that all Rubbish Collectors shall handle recycling for all their private residential customers. The Board would like to move forward with this requirement in the Town of Andover, but Mr. Carbone cautioned against regulating that all Condominiums recycle. Mr. Carbone thinks that the best thing would be for contractors to offer recycling and allow the Condominiums to make

their own decision if they want to recycle or not. The Board discussed speaking with the Recycling Committee, trying out a pilot program, or starting an outreach program for the Condominiums.

The Board discussed merging the Board's waste regulations into one document including recycling, mercury disposal, and dumpster permitting. Also, next July a plan has to be in place for the banned medical waste such as sharps and medications, so the Board will have to come up with a plan. Ms. Martin stated that this would be a good project for the Andover High School students.

- **Adopt Sewer Regulation Amendments** – Mr. Carbone stated that the amendments that were presented are minor, and are ready to be adopted.

Motion by Ms. Kruse, seconded by Ms. Martin to approve and adopt the Sewer Regulations with the amendments presented. Unanimous Approval.

V. Definitive Subdivision Plans

- N/A

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approvals (LUA) –

- **204 Beacon Street – LUA – SAS 6' from Property Line, 10' Required; SAS 4' above SHWT, 5' Required** – Present was Raymond Boulay, prospective buyer of the property. Mr. Carbone explained to the Board that this is a second plan requiring fewer LUA's than the first plan. There are limitations to where the septic system can be placed due to a riverfront zone and the location of the driveway, so Mr. Carbone recommended approval of the LUA.

Motion by Dr. Miller, seconded by Ms. Martin to approve the LUA for 204 Beacon Street - SAS 6' from Property Line, 10' Required; SAS 4' above SHWT, 5' Required. Unanimous approval.

- **89 Bailey Road – LUA to Allow Sieve Analysis in Lieu of Percolation Test** – Mr. Carbone explained that because of high ground water, no percolation test could be conducted; he recommended approval of the LUA.

Motion by Ms. Martin, seconded by Ms. Kruse to approve the LUA to Allow Sieve Analysis in Lieu of Percolation Test at 89 Bailey Road. Unanimous approval.

- **3 Poplar Terrace – LUA to allow the Leach Field to be 17' from the Foundation, where 20' is Required (Addition - Not on Agenda)** – Mr. Carbone explained that the homeowner would have to put up a retaining wall

or take down a tree to meet the 20' setback. Mr. Carbone recommended approval of the LUA.

Motion by Ms. Martin, seconded by Ms. Kruse to approve the LUA to allow the Leach Field to be 17' from the Foundation, where 20' is Required. Unanimous approval.

VII.

Staff Reports

A. Director's Report:

- **Important Dates:**

- **September 12 – Know Your Town Fair** – Ms. Kruse stated that she thought the Fair has been moved to a new date.
- **September 14 @ 6 p.m.** – Board of Health Meeting

B. Nurses' Report for June, 2009 –The Nurses' report was not available.

C. Inspectors' Reports for July, 2009 –The Inspectors' Reports were for informational purposes only.

VIII. Board Member Reports

- **Update on the H1N1 Flu** – Mr. Carbone informed the Board that there will be a Flu Summit sponsored by Lawrence General Hospital and Caritas Holy Family Hospital on September 21, 2009 with Health Departments, Hospital staff, Clinics and schools to discuss what issues will be coming up this year with the H1N1 Flu. Seasonal Flu vaccines are due to arrive at the Health Division tomorrow. Due to the need to vaccinate for H1N1, the state wants us to start seasonal Flu vaccinations as soon as possible; the Town is planning to finish the seasonal flu clinics by the middle of November. The H1N1 vaccination will be supplied by the Federal Government and there will be restrictions on who will be allowed to receive the vaccination and in what order. It takes six months to create the vaccine and testing has to be done before the vaccine is ready for distribution. The H1N1 vaccination requires two shots in order for the vaccine to be effective, so the Health Division is in the process of setting up a procedure to follow as well as finding locations to administer the vaccinations.

IX. Adjournment

Motion by Ms. Martin, seconded by Dr. Miller to adjourn at 7:30 p.m. Unanimous approval.